

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 )  
 v. ) CRIMINAL NO. 94-10287-MLW  
 )  
 )  
 JAMES J. BULGER )  
 )  
 )

2011 Jun 29 A.D. 48

GOVERNMENT'S SUBMISSION OF AFFIDAVIT FROM  
U.S. ATTORNEY CARMEN M. ORTIZ  
FILED UNDER SEAL

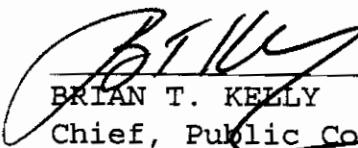
Pursuant to the Court's oral order on June 28, 2011, the government hereby respectfully submits an affidavit from United States Attorney Carmen M. Ortiz.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By:

DATED: June 29, 2011

  
BRIAN T. KELLY  
Chief, Public Corruption Unit  
FRED M. WYSHAK, JR.  
Senior Litigation Counsel  
Assistant U.S. Attorneys

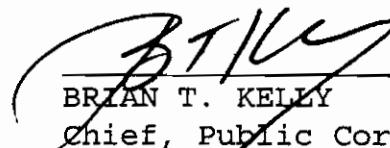
CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts  
June 29, 2011

I, Brian T. Kelly, Assistant U.S. Attorney, do hereby

certify that I have caused a copy of the foregoing to be served on defense counsel in this case (Peter Krupp, Esq.).

  
BRIAN T. KELLY  
Chief, Public Corruption Unit  
Assistant U.S. Attorney

## **AFFIDAVIT**

I, Carmen Milagros Ortiz, declare the following to be true and correct to the best of my knowledge:

1. I am the United States Attorney for the District of Massachusetts. I have held this position since November 2009. Prior to becoming the United States Attorney, I held the position of Assistant United States Attorney in this District for approximately 12 ½ years.

2. On Monday June 27, 2011, I scheduled a meeting for the following day with the agents and officers in charge (or their designees) of those law enforcement agencies involved in the investigation and prosecution of James J. Bulger and Catherine Greig. Those law enforcement agencies included the Federal Bureau of Investigation, the Drug Enforcement Agency, the United States Marshal's Service, the Internal Revenue Service, and the Massachusetts State Police.

3. At approximately 10 a.m. on Tuesday June 28, 2011, I met with these law enforcement agencies, and members of the prosecution team from the U.S. Attorney's Office. During this meeting I noted my grave concern regarding information being reported in the media about recent developments in this investigation. In particular, I noted my concern regarding the information that first appeared in the Sunday *Boston Globe* relating to statements allegedly made by Mr. Bulger after his arrest in Santa Monica, California. I informed those present that we must take all possible measures to prevent the release of information to the media prior to its introduction in court. I also explained that, going forward, all members of any law enforcement agency assigned to this investigation must keep case-related matters strictly confidential, and that any contacts with the media be coordinated through the Office of the United States Attorney. I also told all present that it is critical to adhere to the Department of Justice's regulations and guidance regarding contact with the media, related Local Rules, and case law. I note that I had this conversation with these law enforcement agencies prior to the hearing on Tuesday June 28, 2011.

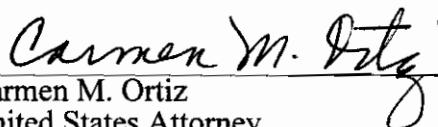
1           4. In addition, and by way of background, on April 12, 2011, I sent to all  
2 Special Agents in Charge of federal law enforcement agencies in Massachusetts a detailed  
3 memorandum regarding the national and local restrictions on contacts with the media. That  
4 memorandum outlined the applicable Department of Justice (DOJ) regulations, DOJ policy,  
5 the relevant Local Rules and related case law. Among other things, that memorandum  
6 advised them that any communication with the media by any investigative agency or their  
7 employees about pending matters or investigations must be approved by the U.S. Attorney's  
8 Office, through our press office. In a similar fashion, since becoming United States  
9 Attorney I have issued a new internal office policy regarding contacts with the media which  
10 also outlines the relevant policy and law.

11           5. Since the hearing on the afternoon of June 28, 2011, and in response to  
12 the Court's order entered in Crim. No. 94-10287-MLW, I have communicated in writing  
13 with the law enforcement agencies listed above. I have requested that each of those  
14 agencies conduct an initial assessment of whether any person on their staff has  
15 communicated with the media regarding any statements which Mr. Bulger or Ms. Greig  
16 made after their arrests in Santa Monica. I intend to evaluate the initial assessments made  
17 by these agencies to determine whether an investigation of potential violations of DOJ  
18 policy or the Local Rules is warranted, either by my office or the DOJ's Office of  
19 Professional Responsibility. Moreover, I have begun the process of putting into place a  
20 formal protocol for access to any investigative material obtained since the defendants'  
21 arrests in Santa Monica.

22           6. Since the time of the hearing on June 28, 2011, I have also spoken with  
23 the United States Attorney for the Central District of California in Los Angeles, Andre  
24 Birotte, Jr. I requested that he communicate my concern regarding contacts with the media  
25 to members of law enforcement involved in the arrest, detention and transport of the  
26 defendants, and those law enforcement agencies involved in the search of the defendants'  
27 apartment in Santa Monica. I have asked him to take all necessary steps to ensure that the  
28 information obtained since the defendants' arrests remain confidential. I have also

1 discussed with him the particular sensitivities of this case and the Local Rules in  
2 Massachusetts.

3 Signed under the pains and penalties of perjury this 28<sup>th</sup> day of June 2011.

4  
5   
6 Carmen M. Ortiz  
United States Attorney

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28